

## **Chapter 17.30**

### **DISCONTINUANCE OF SERVICE**

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#### **17.30.010      Discontinuance of Service; Third Party Notice.**

The Lincoln Water System shall establish a third party notice procedure for the notification of a designated third party of any proposed discontinuance of service, and shall advise its subscribers, including new subscribers, of the availability of such procedures. (Ord. 13892 § 78; July 16, 1984).

#### **17.30.020      Discontinuance of Service; Dispute; Conference.**

A domestic subscriber may request a conference in regard to any dispute over a proposed discontinuance of service before an employee designated by the Lincoln Water System to hear such matters. (Ord. 13892 § 79; July 16, 1984).

#### **17.30.030      Domestic Subscriber; Dispute; How Heard.**

The employee designated by the Lincoln Water System shall hear and decide all matters disputed by domestic subscribers pursuant to this chapter and sections. The subjects to be heard shall include matters relating to a disputed bill. (Ord. 13892 § 80; July 16, 1984).

#### **17.30.040      Domestic Subscriber; Dispute Discontinuance; Notice; Conference.**

A domestic subscriber may dispute the proposed discontinuance of water by notifying the Lincoln Water System with a written statement that sets forth the reasons for the dispute and the relief requested. If a statement has been made by the subscriber, a conference shall be held before the Lincoln Water System may discontinue service. (Ord. 13892 § 2081; July 16, 1984).

#### **17.30.050      Conference; Employee; Duties.**

Upon notice to the employee designated by the Lincoln Water System of any request for a conference by a domestic subscriber, the employee shall:

(a) Notify the domestic subscriber, in writing, of the time, place, and date scheduled for the conference; and

(b) Hold a conference within fourteen days of the receipt of the domestic subscriber's request. Such conference shall be informal and not governed by the Nebraska Rules of Evidence. If the employee determines at the conference that the domestic subscriber did not receive proper notice or was denied any other right afforded under this chapter or Sections 17.22.090 and 17.22.095, the employee shall recess and continue the conference at such time as the subscriber has been afforded his or her rights. Failure of a domestic subscriber to attend a scheduled conference shall relieve the Lincoln Water System of any further action prior to the discontinuance of service. If a domestic subscriber shall contact the Lincoln Water System prior to the scheduled conference and demonstrate that failure to attend was for a legitimate reason, the Lincoln Water System shall make a reasonable effort to reschedule the conference. (Ord. 13892 § 82; July 16, 1984).

#### **17.30.060 Conference; Employee Decision.**

The employee of the Lincoln Water System shall, based solely on the evidence presented at the conference, affirm, reverse, or modify a Lincoln Water System decision which involves a disputed bill which results in a threatened termination of water service. The employee shall allow termination of water service only as a measure of last resort after the Lincoln Water System shall have exhausted all other remedies less drastic than termination. (Ord. 13892 § 83; July 16, 1984).

#### **17.30.070 Domestic Subscriber; Adverse Decision; Appeal; Hearing Procedure.**

Any domestic subscriber may appeal an adverse decision of the Lincoln Water System employee to a management office designated by the Lincoln Water System. The Lincoln Water System shall establish a hearing procedure to resolve water bills appealed by domestic subscribers. The procedure shall be in writing and a copy of such procedure shall be furnished upon the request of any domestic subscriber. Such appeal shall be filed with the management office within the time specified in the procedures established by the Lincoln Water System. (Ord. 13892 § 84; July 16, 1984).

#### **17.30.080 Hearing; Domestic Subscriber; Rights.**

At any conference held pursuant to Section 17.30.050, the domestic subscriber may:

- (a) Be represented by legal counsel or other representative or spokesperson;
- (b) Examine and copy, not less than three business days prior to such hearing, the Lincoln Water System's file and records pertaining to all matters directly relevant to the dispute or utilized in any way by Lincoln Water System in reaching the decision to propose termination or to take other action which is the subject of the hearing;
- (c) Present witnesses and offer evidence;
- (d) Confront and cross-examine such other witnesses as may appear and testify at the hearing; and
- (e) Make or have made a record of the proceedings at his or her own expense. (Ord. 13892 § 85; July 16, 1984).

#### **17.30.090 Domestic Subscriber; Appeal; Management Office; Notice; Duties.**

In any appeal filed pursuant to Section 17.30.070, the management office shall notify the domestic subscriber of the time, place, and date scheduled for the hearing. The notice requirements, hearing

procedures, and other rights of domestic subscribers shall be set forth in the procedures established under Section 17.30.070. (Ord. 13892 § 86; July 16, 1984).

**17.30.100      Disconnections or Interruptions; Not Subject to Act; When.**

Sections 17.30.010 to 17.30.100 shall not apply to any disconnections or interruptions of services made necessary by the Lincoln Water System for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. (Ord. 13892 § 87; July 16, 1984).